

carport. Mr. Fletcher testified that his mother has resided on the property for the past 26 years and is a widow now and lives alone. He testified that he is concerned for his mother's safety and that a carport in the location proposed would not only provide safe and easy access to and from her vehicle, but would provide protection during inclement weather. He testified that the neighborhood has deteriorated over the years and that he would rather see his mother park adjacent to her home than on the street. Mr. Fletcher indicated that the neighbors have no objections to the proposed carport. Further testimony indicated that the proposed carport will remain open on the three exposed sides.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

ORDER RECEIVED FOR FILING
7/21/95
By

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of July, 1995 that the Petition for Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 9 feet in lieu of the required 33 feet and a side setback of 7.5 feet in lieu of the required 10 feet for a proposed 12' x 24' carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

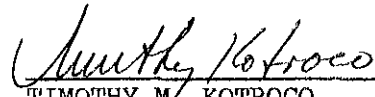
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed carport shall remain open on the three exposed sides and shall not be enclosed for any reason.

ORDER RECEIVED FOR FILING

Date

By

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORIGINAL FILED FOR FILING
Date 7/21/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 21, 1995

Ms. Marian L. Fletcher
6717 Kincheloe Avenue
Baltimore, Maryland 21207

RE: PETITION FOR VARIANCE
SW/S Kincheloe Avenue, opposite the c/l of Royal Garden Drive
(6717 Kincheloe Avenue)
2nd Election District - 2nd Councilmanic District
Marian L. Fletcher - Petitioner
Case No. 95-449-A

Dear Ms. Fletcher:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

MICROFILMED





Petition for Variance

95-449-A
to the Zoning Commissioner of Baltimore County

for the property located at 6717 Kincheloe Ave. Balto. Md. 21207
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B02.3 B (II.C.2. and III.C.3., "A" Residence) to permit a 9' front setback and 7.5' side setback in lieu of 33' and 10', respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The front entrance is located on the side with a landing 4 feet wide. Water stands on the side during and after heavy rains. An underground drain pipe was placed to help carry the water from the house. Not enough footage between the two properties.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

6717 Kincheloe Ave. (410) 944-4312-11
Address Phone No.

Baltimore Md. 21207
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 hr.
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: MDK DATE 6/7/95

Printed with Soybean Ink
on Recycled Paper



ORDER RECEIVED FOR FILING

Date 7/21/95

By [Signature]

95-449-A

Zoning Discription for
6717 Kincheloe Avenue
Baltimore, Maryland 21207

Beginning at a point on the West side of Kincheloe Avenue
which is 50 feet wide at the distance of the centerline
of Royal Garden Drive which is 50 feet wide.

Being Lot # 14 Block 6700 Section # — in the subdivison
of Royal Acres as recorded in Baltimore County Plat
Book #20 Folio #58, containing 5000 square feet also known
6717 Kincheloe Avenue Baltimore, Maryland 21207
and located in the 02 election, 2 councilmatic District.

442

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

PS-449-A

District 2nd

Date of Posting 6/16/95

Posted for: Variance

Petitioner: Marion Fletcher

Location of property: 6717 Kincadee Ave, SW/2

Location of Signs: Facing road way, on property being zoned

Remarks:

Posted by

[Signature]
Signature

Date of return:

6/23/95

Number of Signs:

1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chasapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-449-A

(Item 442)

6717 Kincheloe Avenue
SW/S Kincheloe Avenue,
opposite centerline Royal
Garden Drive

2nd Election District

2nd Councilmanic

Legal Owner(s):

Marian L. Fletcher

Hearing: Friday,

July 7, 1995 at 2:00 p.m.

In Rm. 106, County Office
Building.

Variance to permit a 9-foot front setback and 7.5 foot side setback in lieu of 33 feet and 10 feet, respectively.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

6/26/95 June 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

6/22, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/22, 1995.

THE JEFFERSONIAN,

A. Hemmickson

LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-449-A

Account: R-001-6150

Number

Taken In By: MTK

Item: 442

Date 6/7/95

Fletcher, Marian — 6717 Kincheloe Ave.

010- Res. Zoning Variance — \$ 50.00

080- 1 sign posting — \$ 35.00

Total — \$ 85.00

PAID

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: #442

Petitioner: Marian L. Fletcher

Location: 6717 Kinchloe Ave. Balto, Md. 21207

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Marian L. Fletcher

ADDRESS: 6717 Kinchloe Ave
Baltimore, Md. 21207

PHONE NUMBER: 410-944-4312

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY

June 22, 1995 Issue - Jeffery Conner

Please forward billing to:

Marian L. Fletcher
6717 Kincheloe Avenue
Baltimore, MD 21207
944-4312

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-449-A (Item 442)

6717 Kincheloe Avenue

SW/S Kincheloe Avenue, opposite centerline Royal Garden Drive

2nd Election District - 2nd Councilmanic

Legal Owner(s): Marian L. Fletcher

HEARING: FRIDAY, JULY 7, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to permit a 9-foot front setback and 7.5 foot side setback in lieu of 33 feet and 10 feet, respectively.

LAWRENCE E. SCHMITZ

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE, FOR SPECIAL ASSISTANCE PLEASE CALL 867-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING. PLEASE CALL 867-3353.

ENCLOSURE

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 5, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-449-A (Item 442)
6717 Kincheloe Avenue
SW/S Kincheloe Avenue, opposite centerline Royal Garden Drive
2nd Election District - 2nd Councilmanic
Legal Owner(s): Marian L. Fletcher
HEARING: FRIDAY, JULY 7, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to permit a 9-foot front setback and 7.5 foot side setback in lieu of 33 feet and 10 feet, respectively.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Marian L. Fletcher

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 30, 1995

Ms. Marian L. Fletcher
6717 Kinchelor Ave.
Baltimore, Maryland 21207

RE: Item No.: 442
Case No.: 95-449-A
Petitioner: M. Fletcher

Dear Ms. Fletcher:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 7, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 29, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 6717 Kincheloe Avenue

INFORMATION:

Item Number: 442

Petitioner: Marian Fletcher

Property Size: _____

Zoning: DR-5.5

Requested Action: Variance

Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a 9' front and 7.5 side setback in lieu of 33' and 10', respectively.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: Jeffrey W. Long

Division Chief: /S/

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: June 26, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for June 26, 1995
Items 436, 437, 438, 441, (442), 444, 445, 446
447 and 449

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-13-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 442 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Jw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/14/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUNE 19, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 441, 442, 443, 444, 445, 446,
447, 448 AND 449.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

Microfilm

cc: File



☒ (E1) 6715 Kincheloe Ave.
☐ (E2) 6717 Kincheloe Ave.
☐ (E3) 6719 Kincheloe Ave.

E1
E2
E3

(ENTRY-WF)

PETITIONER'S EXHIBIT NO. 1

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 6717 Kincheloe Ave.

see pages 5 & 6 of the CHECKLIST for additional required information

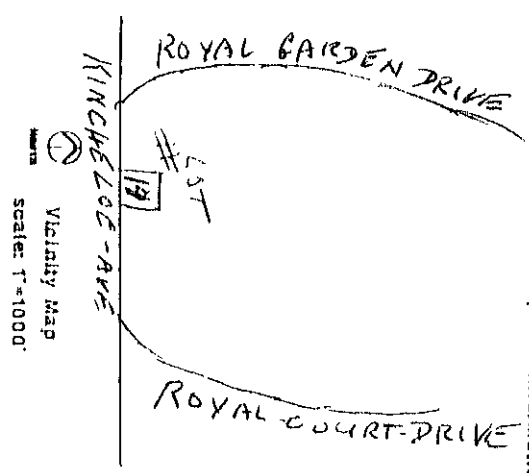
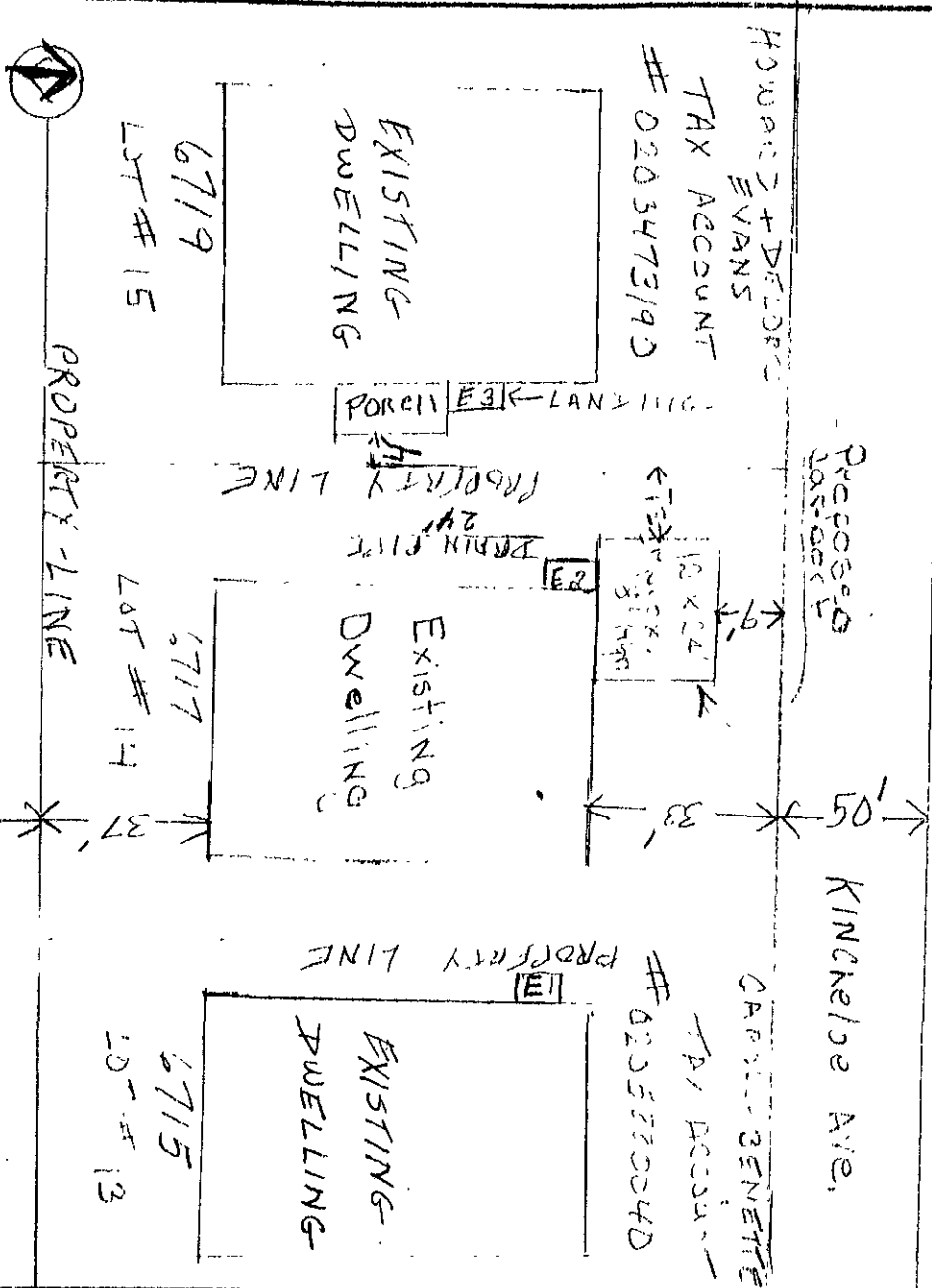
Subdivision name: Royal Acres

plat book # 20, folio # 58, lot # 14, section # 1

OWNER: MARIAN L. FLETCHER

NOT IN FLOOD
PLAN

95-449-A



LOCATION INFORMATION

Election District: 02
 Councilmanic District: 2

1"=200' scale map#: NW 3F

Zoning: PA-5

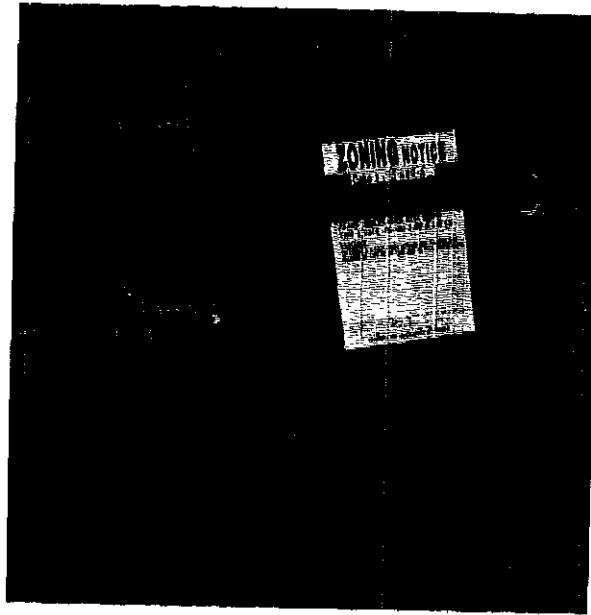
Lot size: 50x100ft 5000sq ft

Prior Zoning Hearings: NONE
 Chesapeake Bay Critical Area: ☐ Yes ☒ No
 SEWER: ☒ Public ☐ Private
 WATER: ☒ Yes ☐ No

Zoning Office USE ONLY!

reviewed by: MMK ITEM #: 442 CASE#: 1

95-449-A



449

RE: PETITION FOR VARIANCE

6717 Kincheloe Avenue, SW/S Kincheloe Ave.,
opposite centerline Royal Garden Drive
2nd Election District, 2nd Councilmanic

Marian L. Fletcher
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-449-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Marian L. Fletcher, 6717 Kincheloe Avenue, Baltimore, MD 21207, Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

DATE
OF
PHOTOGRAPHY
JANUARY
1986

WOODLAWN

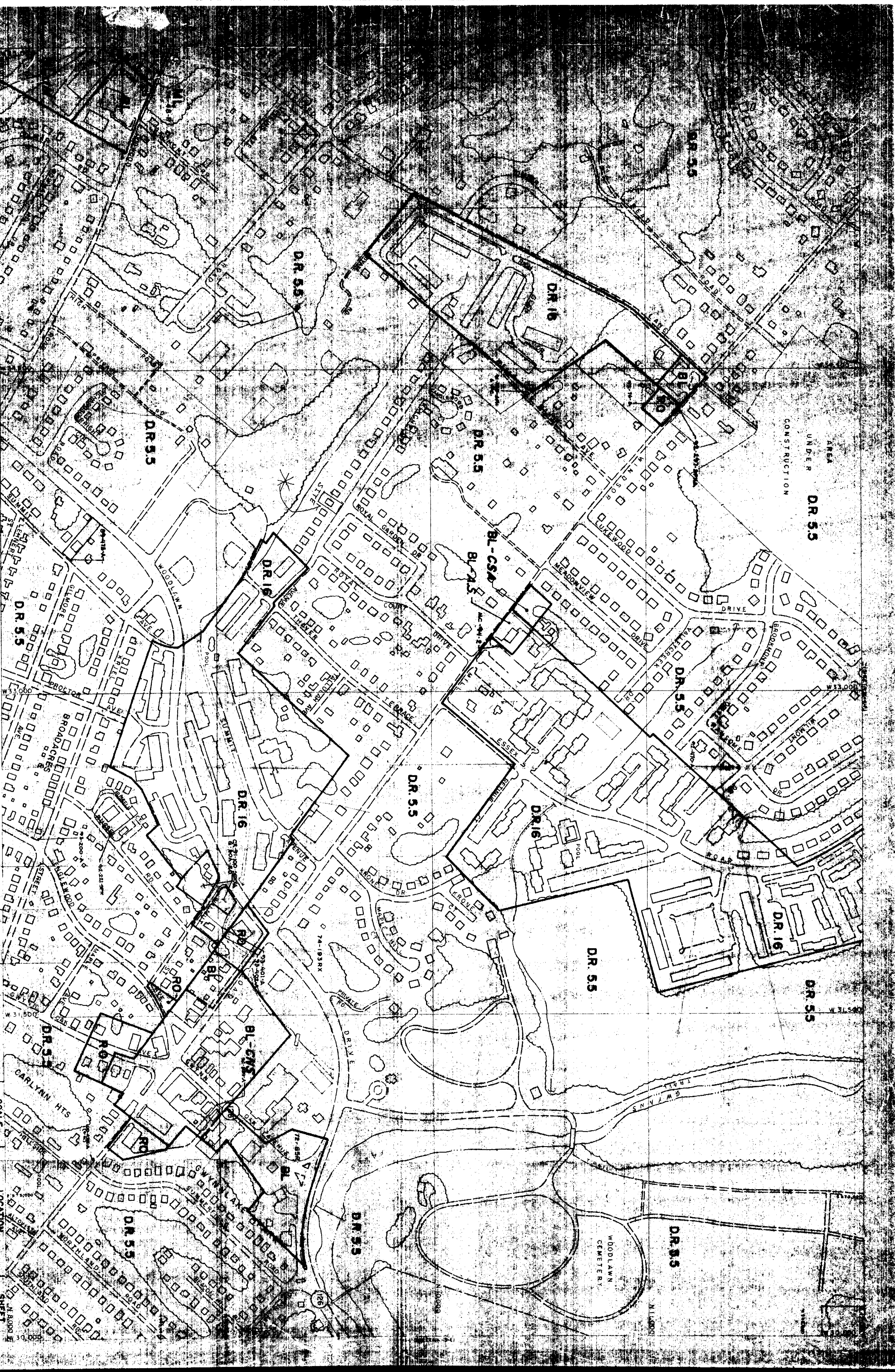
LOCATION
SHEET
3-F
44

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
SHEET
3-F
44

NOT RECORDED



95-449-A

IN RE: PETITION FOR VARIANCE
SW/S Kinchloe Avenue, opposite
the c/l of Royal Garden Drive
(6717 Kinchloe Avenue)
2nd Election District
2nd Councilmanic District
Marian L. Fletcher
Petitioner
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-449-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 6717 Kinchloe Avenue, located in the vicinity of Windsor Mill Road and Featherbed Lane in Woodlawn. The Petition was filed by the owner of the property, Marian L. Fletcher. The Petitioner seeks relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 9 feet in lieu of the required 33 feet and a side setback of 7.5 feet in lieu of the required 10 feet for a proposed carport. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Marian Fletcher, property owner, and her son, John Fletcher. There were no Pro-estants present.

Testimony and evidence offered revealed that the subject property consists of 5,000 sq.ft. more or less, zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioner is desirous of constructing a 12' x 24' carport on the front west side of her property over the existing driveway at the entrance to the dwelling. Testimony indicated that there currently exists a curb cut in Kinchloe Avenue for the driveway but that there is insufficient space on either side of the dwelling to place the

carport. Mr. Fletcher testified that his mother has resided on the property for the past 26 years and is a widow now and lives alone. He testified that he is concerned for his mother's safety and that a carport in the location proposed would not only provide safe and easy access to and from her vehicle, but would provide protection during inclement weather. He testified that the neighborhood has deteriorated over the years and that he would rather see his mother park adjacent to her home than on the street. Mr. Fletcher indicated that the neighbors have no objections to the proposed carport. Further testimony indicated that the proposed carport will remain open on the three exposed sides.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

- 2 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of July, 1995 that the Petition for Variance seeking relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 9 feet in lieu of the required 33 feet and a side setback of 7.5 feet in lieu of the required 10 feet for a proposed 12' x 24' carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed carport shall remain open on the three exposed sides and shall not be enclosed for any reason.

- 3 -

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 7/20/95
By 363

ORDER RECEIVED FOR FILING

Date 7/20/95
By 363

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2nd Date of Posting: 6/14/95
Posted for: Variance
Petitioner: Marian Fletcher
Location of property: 6717 Kinchloe Ave, Suite 200
Location of Sign: Along road way, on property being zoned
Remarks: None
Posted by: Timothy M. Kotroco Date of return: 6/23/95
Number of Signs: 1

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 21, 1995

(410) 887-4386

Ms. Marian L. Fletcher
6717 Kinchloe Avenue
Baltimore, Maryland 21207

RE: PETITION FOR VARIANCE
SW/S Kinchloe Avenue, opposite the c/l of Royal Garden Drive
(6717 Kinchloe Avenue)
2nd Election District - 2nd Councilmanic District
Marian L. Fletcher - Petitioner
Case No. 95-449-A

Dear Ms. Fletcher:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 6717 Kinchloe Ave, Suite 200
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.B (III, C.2 and III, C.3, "A" Residence) to permit a front setback and 7.5' side setback in lieu of 33' and 10', respectively.

The front entrance is located on the side with a landing 4 feet wide. Water stands on the side during and after heavy rains. An underground drainage pipe was placed to help carry the water from the ground. Not enough footage between the two properties.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):
Marian L. Fletcher
Marian L. Fletcher

Address:
6717 Kinchloe Ave, Suite 200

City:
Baltimore Md.

State:
Md.

Zip Code:
21207

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Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R001-6150
Number
Taken In By: MTK
Item: 442

Date 6/7/95

Fletcher, Marian - 6717 Kincheloe Ave.
010- Res. Zoning Variance - \$ 50.00
080- 1 sign posting - \$ 35.00
Total - \$ 85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: #442
Petitioner: Marian L. Fletcher
Location: 6717 Kincheloe Ave. Balto. Md. 21207
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Marian L. Fletcher
ADDRESS: 6717 Kincheloe Ave.
Baltimore, Md. 21207
PHONE NUMBER: 410-944-4312

AJ:ggg (Revised 04/09/94)

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-449-A (Item 442)
6717 Kincheloe Avenue
SW/S Kincheloe Avenue, opposite centerline Royal Garden Drive
2nd Election District - 2nd Councilmanic
Legal Owner(s): Marian L. Fletcher
HEARING: FRIDAY, JULY 7, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to permit a 9-foot front setback and 7.5 foot side setback in lieu of 33 feet and 10 feet, respectively.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 5, 1995

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Variance to permit a 9-foot front setback and 7.5 foot side setback in lieu of 33 feet and 10 feet, respectively.

ARNOLD JABLON, DIRECTOR

cc: Marian L. Fletcher

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 30, 1995

Ms. Marian L. Fletcher
6717 Kincheloe Ave.
Baltimore, Maryland 21207

RE: Item No.: 442
Case No.: 95-449-A
Petitioner: M. Fletcher

Dear Ms. Fletcher:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 7, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: June 29, 1995
FROM: Pat Keller, Director, OPZ
SUBJECT: 6717 Kincheloe Avenue

INFORMATION:
Item Number: 442
Petitioner: Marian Fletcher
Property Size: _____
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
The applicant requests a variance to permit a 9' front and 7.5 side setback in lieu of 33' and 10', respectively.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: Jeffery W. Long
Division Chief: JS
PK/JL

ITEM442/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 26, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for June 26, 1995
Items 436, 437, 438, 441, 442, 444, 445, 446
447 and 449

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kasloff
Administrator

6-13-95

Re: Baltimore County
Item No.: 442 (MSK)

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not affect a State roadway and is not effected by any State Highway Administration project.

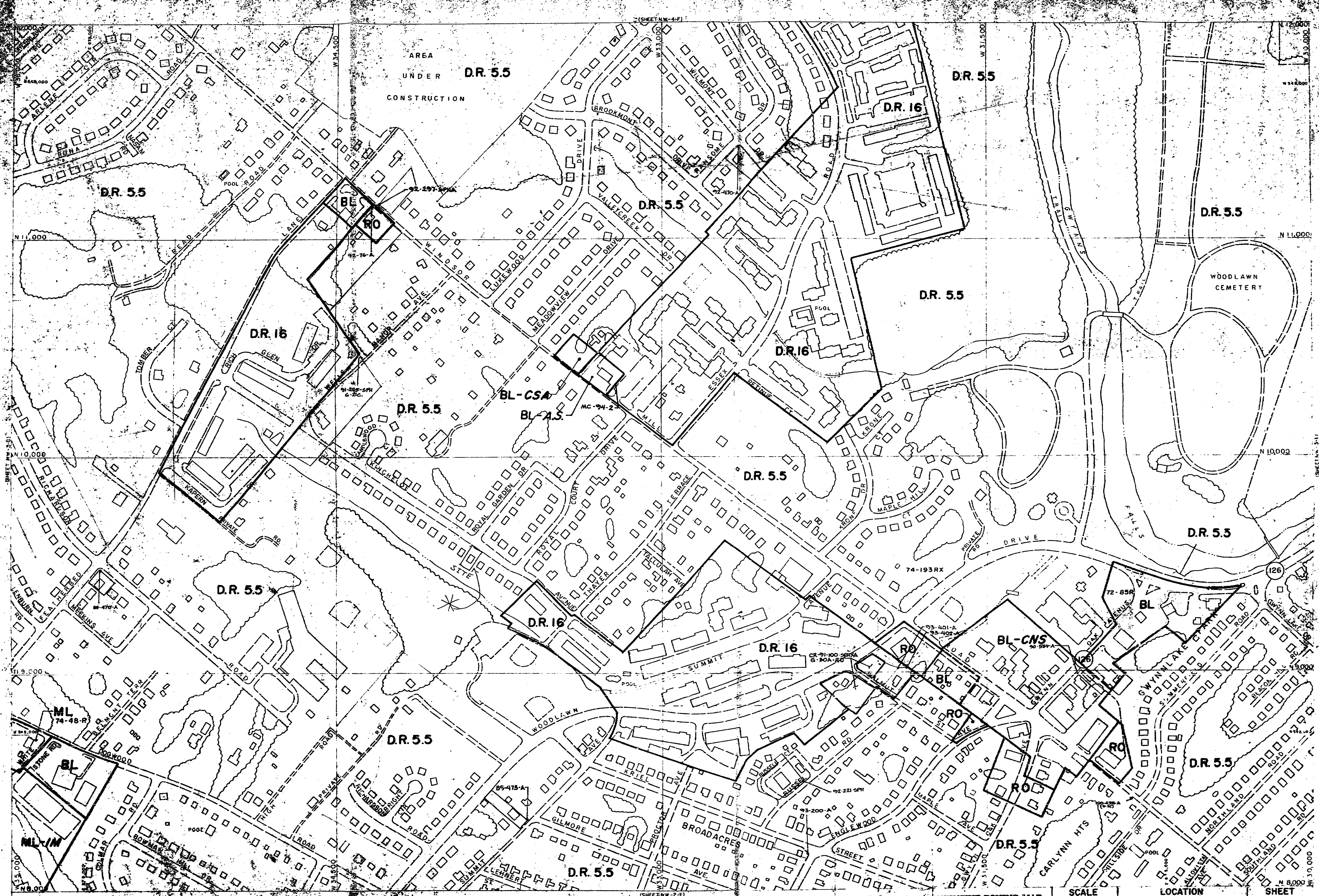
Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

95-149-A



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Chairman, County Council

SCALE 1" = 200' ±	LOCATION WOODLAWN	SHEET N.W. 3-F 492
DATE OF PHOTOGRAPHY JANUARY, 1986		